

## XI. Community Reinvestment Act – Large Bank

---

institution's assessment areas or similar assessment areas.

### Performance Context

1. Review standardized worksheets and other agency information sources to obtain relevant demographic, economic, and loan data, to the extent available, for each assessment area under review. Compare the data to similar data for the MSA/MD, county, or state to determine how any similarities or differences will help in evaluating lending, investment, and service opportunities and community and economic conditions in the assessment area. Also consider whether the area has housing costs that are particularly high given area median income.
2. Obtain for review the Consolidated Reports of Condition (Call Reports), annual reports, supervisory reports, and prior CRA evaluations of the institution under examination to help understand the institution's ability and capacity, including any limitations imposed by size, financial condition, or statutory, regulatory, economic or other constraints, to respond to safe and sound opportunities in the assessment area(s) for retail loans, and community development loans, investments and services.
3. Discuss with the institution, and consider, any information the institution may provide about its local community and economy, including community development needs and opportunities, its business strategy, its lending capacity, or information that otherwise assists in the evaluation of the institution.
4. Review community contact forms prepared by the regulatory agencies to obtain information that assists in the evaluation of the institution. Contact local community, governmental or economic development representatives to update or supplement this information. Refer to the Community Contact Procedures for more detail.
5. Review the institution's public file and any comments received by the institution or the agency since the last CRA performance evaluation for information that assists in the evaluation of the institution.
6. By reviewing public evaluations and other financial data, determine whether any similarly situated institutions (in terms of size, financial condition, product offerings, and business strategy) serve the same or similar assessment area(s) and would provide relevant and accurate information for evaluating the institution's CRA performance. Consider, for example, whether the information could help identify:
  - a. Lending and community development opportunities available in the institution's assessment area(s) that are compatible with the institution's business strategy and consistent with safe and sound banking practices;

- b. Constraints affecting the opportunities to make safe and sound retail loans, community development loans, qualified investments and community development services compatible with the institution's business strategy in the assessment area(s); and
  - c. Successful CRA-related product offerings or activities utilized by other lenders serving the same or similar assessment area(s).
7. Document the performance context information, particularly community development needs and opportunities, gathered for use in evaluating the institution's performance.

### Assessment Area

1. Review the institution's stated assessment area(s) to ensure that it:
  - a. Consists of one or more MSAs/MDs or contiguous political subdivisions (i.e., counties, cities, or towns);
  - b. Includes the geographies where the institution has its main office, branches, and deposit-taking ATMs, as well as the surrounding geographies in which the institution originated or purchased a substantial portion of its loans;
  - c. Consists only of whole census tracts;
  - d. Consists of separate delineations for areas that extend substantially across MSA/MD or state boundaries unless the assessment area is in a multi-state MSA/MD;
  - e. Does not reflect illegal discrimination; and
  - f. Does not arbitrarily exclude any low- or moderate-income area(s) taking into account the institution's size, branching structure, and financial condition.
2. If the assessment area(s) does not coincide with the boundaries of an MSA/MD or political subdivision(s), assess whether the adjustments to the boundaries were made because the assessment area would otherwise be too large for the institution to reasonably serve, have an unusual configuration, or include significant geographic barriers.
3. If the assessment area(s) fails to comply with the applicable criteria described above, develop, based on discussions with management, a revised assessment area(s) that complies with the criteria. Use this assessment area(s) to evaluate the institution's performance, but do not otherwise consider the revision in determining the institution's rating.

### Lending, Investment, and Service Tests for Large Retail Institutions

#### Lending Test

1. Identify the institution's loans to be evaluated by reviewing:

- a. The most recent HMDA and CRA Disclosure Statements, the interim HMDA LAR, and any interim CRA loan data collected by the institution;
  - b. A sample of consumer loans if consumer lending represents a substantial majority of the institution's business so that an accurate conclusion concerning the institution's lending record could not be reached without a review of consumer loans; and
  - c. Any other information the institution chooses to provide, such as small business loans secured by non-farm residential real estate, home equity loans not reported for HMDA, unfunded commitments, any information on loans outstanding, and loan distribution analyses conducted by or for the institution, including any explanations for identified concerns or actions taken to address them.
2. Test a sample of loan files to verify the accuracy of data collected and/or reported by the institution. In addition, ensure that:
    - a. Affiliate loans reported by the institution are not also attributed to the lending record of another affiliate subject to CRA. This can be accomplished by requesting the institution to identify how loans are attributed and how it ensures that all the loans within a given lending category (e.g., small business loans, home purchase loans, motor vehicle, credit card, home equity, other secured, and other unsecured loans) in a particular assessment area are reported for all of the institution's affiliates if the institution elects to count any affiliate loans;
    - b. Loans reported as community development loans (including those originated or purchased by consortia or third parties) meet the definition of community development loans. Determine whether community development loans benefit the institution's assessment area(s) or a broader statewide or regional area that includes the institution's assessment area(s). Except for multi-family loans, ensure that community development loans have not also been reported by the institution or an affiliate as HMDA, small business or farm, or consumer loans. Review records provided to the institution by consortia or third parties or affiliates to ensure that the amount of the institution's third party or consortia or affiliate lending does not account for more than the institution's percentage share (based on the level of its participation or investment) of the total loans originated by the consortia, third parties, or affiliates; and
    - c. All consumer loans in a particular loan category have been included when the institution collects and maintains the data for one or more loan categories and has elected to have the information evaluated.
  3. Identify the volume, both in number and dollar amount, of each type of loan being evaluated that the institution has made or purchased within its assessment area. Evaluate the institution's lending volume considering the institution's resources and business strategy and other information from the performance context, such as population, income, housing, and business data. Note whether the institution conducts certain lending activities in the institution and other activities in an affiliate in a way that could inappropriately influence an evaluation of borrower or geographic distribution.
  4. Review any analyses prepared by or for and offered by the institution for insight into the reasonableness of the institution's geographic distribution of lending. Test the accuracy of the data and determine if the analyses are reasonable. If areas of low or no penetration were identified, review explanations and determine whether action was taken to address disparities, if appropriate.
  5. Supplement with an independent analysis of geographic distribution as necessary. As applicable, determine the extent to which the institution is serving geographies in each income category and whether there are conspicuous gaps unexplained by the performance context. Conclusions should recognize that institutions are not required to lend in every geography. The analysis should consider:
    - a. (Excluding affiliate lending) the number, dollar amount, and percentage of the institution's loans located within any of its assessment areas, as well as the number, dollar amount, and percentage of the institution's loans located outside any of its assessment areas;
    - b. The number, dollar amount, and percentage of each type of loan in the institution's portfolio in each geography, and in each category of geography (low-, moderate-, middle-, and upper-income);
    - c. The number of geographies penetrated in each income category, as determined in step (b), and the total number of geographies in each income category within the assessment area(s);
    - d. The number and dollar amount of its home purchase, home refinancing, and home improvement loans, respectively in each geography compared to the number of one-to-four family owner-occupied units in each geography;
    - e. The number and dollar amount of multi-family loans in each geography compared to the number of multi-family structures in each geography;
    - f. The number and dollar amount of small business and farm loans in each geography compared to the number of small businesses/farms in each geography; and
    - g. Whether any gaps exist in lending activity for each income category, by identifying groups of contiguous

## XI. Community Reinvestment Act – Large Bank

---

geographies that have no loans or those with low penetration relative to the other geographies.

6. If there are groups of contiguous geographies within the institution's assessment area with abnormally low penetration, the examiner may determine if an analysis of the institution's performance compared to other lenders for home mortgage loans (using reported HMDA data) and for small businesses and small farm loans (using data provided by lenders subject to CRA) would provide an insight into the institution's lack of performance in those areas. This analysis is not required, but may provide insight if:
  - a. The reported loan category is substantially related to the institution's business strategies;
  - b. The area under analysis substantially overlaps the institution's assessment area(s);
  - c. The analysis includes a sufficient number and volume of transactions, and an adequate number of lenders with assessment area(s) substantially overlapping the institution's assessment area(s); and
  - d. The assessment area data is free from anomalies that can cause distortions such as dominant lenders that are not subject to the CRA, a lender that dominates a part of an area used in calculating the overall lending, or there is an extraordinarily high level of performance, in the aggregate, by lenders in the institution's assessment area(s).
7. Using the analysis from step #6, form a conclusion as to whether the institution's abnormally low penetration in certain areas should constitute a negative consideration under the geographic distribution performance criteria of the lending test by considering:
  - a. The institution's share of reported loans made in low- and moderate-income geographies versus its share of reported loans made in middle- and upper-income geographies within the assessment area(s);
  - b. The number of lenders with assessment area(s) substantially overlapping the institution's assessment area(s);
  - c. The reasons for penetration of these areas by other lenders, if any, and the lack of penetration by the institution being examined developed through discussions with management and the community contact process;
  - d. The institution's ability to serve the subject area in light of (i) the demographic characteristics, economic condition, credit opportunities and demand; and (ii) the institution's business strategy and its capacity and constraints;
  - e. The degree to which penetration by the institution in the subject area in a different reported loan category compensates for the relative lack of penetration in the subject area; and
- f. The degree to which penetration by the institution in other low- and moderate-income geographies within the assessment area(s) in reported loan categories compensates for the relative lack of penetration in the subject area.
8. Review any analyses prepared by or for and offered by the institution for insight into the reasonableness of the institution's distribution of lending by borrower characteristics. Test the accuracy of the data and determine if the analyses are reasonable. If areas of low or no penetration were identified, review explanations and determine whether action was taken to address disparities, if appropriate.
9. Supplement with an independent analysis of the distribution of the institution's lending within the assessment area by borrower characteristics as necessary and applicable. Consider factors such as:
  - a. The number, dollar amount, and percentage of the institution's total home mortgage loans and consumer loans, if included in the evaluation, to low-, moderate-, middle-, and upper-income borrowers;
  - b. The percentage of the institution's total home mortgage loans and consumer loans, if included in the evaluation, to low-, moderate-, middle-, and upper-income borrowers compared to the percentage of the population within the assessment area who are low-, moderate-, middle-, and upper-income;
  - c. The number and dollar amount of small loans originated to businesses or farms by loan size of less than \$100,000; at least \$100,000 but less than \$250,000; and at least \$250,000 but less than or equal to \$1,000,000;
  - d. The number and amount of the small loans to businesses or farms that had annual revenues of less than \$1 million compared to the total reported number and amount of small loans to businesses or farms; and
  - e. If the institution adequately serves borrowers within the assessment area(s), whether the distribution of the institution's lending outside of the assessment area based on borrower characteristics would enhance the assessment of the institution's overall performance.
10. Review data on the number and amount of the institution's community development loans. Using information obtained in the performance context procedures, especially with regard to community credit needs and institutional capacity, evaluate the extent, innovativeness, and complexity of community development lending to determine:
  - a. The extent to which community development lending opportunities have been available to the institution;

- b. The institution's responsiveness to the opportunities for community development lending; and
  - c. The extent of leadership the institution has demonstrated in community development lending.
11. Evaluate whether the institution's performance under the lending test is enhanced by offering innovative loan products or products with more flexible terms to meet the credit needs of low- and moderate-income individuals or geographies. Consider:
- a. The degree to which the loans serve low- and moderate-income creditworthy borrowers in new ways or loans serve groups of creditworthy borrowers not previously served by the institution; and
  - b. The success of each product, including number and dollar amount of loans originated during the review period.
12. Discuss with management the preliminary findings in this section.
13. Summarize your conclusions regarding the institution's lending performance under the following criteria:
- a. Lending activity;
  - b. Geographic distribution;
  - c. Borrower characteristics;
  - d. Community development lending; and
  - e. Use of innovative or flexible lending practices.
14. Prepare comments for the public evaluation and the examination report.
- d. The dollar amount of investments made to entities that are in or serve the assessment area, in relation to the institution's capacity and constraints, and assessment area characteristics and needs;
  - e. The use of any innovative or complex investments, in particular those that are not routinely provided by other investors; and
  - f. The degree to which investments serve low- and moderate-income areas or individuals, designated disaster areas, or distressed or underserved nonmetropolitan middle-income geographies, and are responsive to available opportunities for qualified investments.
3. Discuss with management the preliminary findings in this section.
4. Summarize conclusions about the institution's investment performance after considering:
- a. The number and dollar amount of qualified investments;
  - b. The innovativeness and complexity of qualified investments;
  - c. The degree to which these types of investments are not routinely provided by other private investors; and
  - d. The responsiveness of qualified investments to available opportunities.
5. Write comments for the public evaluation and the examination report.

**Service Test****Retail Banking Services**

- Investment Test**
- 1. Identify qualified investments by reviewing the institution's investment portfolio, and at the institution's option, its affiliate's investment portfolio. As necessary, obtain a prospectus, or other information that describes the investment(s). This review should encompass qualified investments that were made since the previous examination (including those that have been sold or have matured) and may consider qualified investments made prior to the previous examination still outstanding. Also consider qualifying grants, donations, or in-kind contributions of property since the last examination that are for community development purposes.
  - 2. Evaluate investment performance by determining:
    - a. Whether the investments benefit the institution's assessment area(s) or a broader statewide or regional geographic area that includes the institution's assessment area(s);
    - b. Whether the investments have been considered under the lending and service tests;
    - c. Whether an affiliate's investments, if considered, have been claimed by another institution;
- 1. Determine from information available in the institution's Public File:
    - a. The distribution of the institution's branches among low-, moderate-, middle-, and upper-income geographies in the institution's assessment area(s); and
    - b. Banking services, including hours of operation and available loan and deposit products.
  - 2. Obtain the institution's explanation for any material differences in the hours of operations of, or services available at, branches within low-, moderate-, middle-, and upper-income geographies in the institution's assessment area(s).
  - 3. Evaluate the institution's record of opening and closing branch offices since the previous examination and information that could indicate whether changes have had a positive or negative effect, particularly on low- and moderate-income geographies or individuals.
  - 4. Evaluate the accessibility and use of alternative systems for delivering retail banking services, (e.g., proprietary and non-proprietary ATMs, loan production offices (LPOs), banking by telephone or computer, and bank-at-work or by-

## XI. Community Reinvestment Act – Large Bank

---

mail programs) in low- and moderate-income geographies and to low- and moderate-income individuals.

5. Assess the quantity, quality and accessibility of the institution's service-delivery systems provided in low-, moderate-, middle-, and upper-income geographies. Consider the degree to which services are tailored to the convenience and needs of each geography (e.g., extended business hours, including weekends, evenings or by appointment, providing bi-lingual services in specific geographies, etc.).

### Community Development Services

6. Identify the institution's community development services, including at the institution's option, services through affiliates, through discussions with management and a review of materials available from the public. Determine whether the services:
  - a. Qualify under the definition of community development services;
  - b. Benefit the assessment area(s) or a broader statewide or regional area encompassing the institution's assessment area(s); and
  - c. If provided by affiliates of the institution, are not claimed by other affiliated institutions.
7. Evaluate in light of information gathered through the performance context procedures:
  - a. The extent of community development services offered and used;
  - b. Their innovativeness, including whether they serve low- or moderate-income customers in new ways or serve groups of customers not previously served; and
  - c. The degree to which they serve low- or moderate-income areas or individuals and their responsiveness to available opportunities for community development services.
8. Discuss with management the preliminary findings.
9. Summarize conclusions about the institution's system for delivering retail banking and community development services, considering:
  - a. The distribution of branches among low-, moderate-, middle-, and upper-income geographies;
  - b. The institution's record of opening and closing branches, particularly branches located in low- or moderate-income geographies or primarily serving low- or moderate-income individuals;
  - c. The availability and effectiveness of alternative systems for delivering retail banking services;
  - d. The extent to which the institution provides community development services;
  - e. The innovativeness and responsiveness of community development services; and
  - f. The range and accessibility of services provided in low-, moderate-, middle-, and upper-income geographies.
10. Write comments for the public evaluation and the examination report.

### Ratings

1. Group the analyses of the assessment areas examined by MSA<sup>3</sup> and nonmetropolitan areas within each state where the institution has branches. If an institution has branches in two or more states of a multistate MSA, group the assessment areas that are in that multistate MSA.
2. Summarize conclusions regarding the institution's performance in each MSA and nonmetropolitan portion of each state in which an assessment area was examined using these procedures. If two or more assessment areas in an MSA or in a nonmetropolitan portion of a state were examined using these procedures, determine the relative significance of the institution's performance in each assessment area by considering:
  - a. The significance of the institution's lending, qualified investments, and lending-related services in each compared to the institution's overall activities;
  - b. The lending, investment, and service opportunities in each;
  - c. The significance of the institution's lending, qualified investments, and lending-related services for each, particularly in light of the number of other institutions and the extent of their activities in each; and
  - d. Demographic and economic conditions in each.
3. Evaluate the institution's performance in those assessment area(s) not selected for examination using the full scope procedures.
  - a. Revisit the demographic and lending, investment, and service data considered in scoping the examination. Also, consider the institution's operations (branches, lending portfolio mix, etc.) in the assessment area;
  - b. Through a review of the public file(s), consider any services that are customized to the assessment area; and
  - c. Consider any other information provided by the institution (e.g., CRA self-assessment) regarding its performance in the area.
4. For MSAs, and the nonmetropolitan portion of the state, where one or more assessment areas were examined using the full scope procedures, ensure that performance in the assessment areas not examined using the full scope procedures is consistent with the conclusions based on the

---

<sup>3</sup> The reference to MSA may also reference MD.